

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
THE LIBRARY OF CONGRESS
Washington, D.C.

In the Matter of

**DETERMINATION OF RATES AND TERMS
FOR DIGITAL PERFORMANCE OF SOUND
RECORDINGS AND MAKING OF
EPHEMERAL COPIES TO FACILITATE
PERFORMANCES (*WEB V*)**

**Docket No. 19-CRB-0005-WR
(2021-2025)**

**DECLARATION OF REED COLLINS IN SUPPORT OF DESIGNATION OF CERTAIN
MATERIALS AS “RESTRICTED”**
(On behalf of the Services¹)

1. I am counsel for Sirius XM and Pandora in the above-captioned case. On October 28, 2020, the Services filed the restricted version of their Reply to SoundExchange’s Proposed Findings of Fact and Conclusions of Law (the “Services’ Reply”). I respectfully submit this Declaration in support of the Services’ designation of certain portions of the Services’ Reply as “Restricted.” I have personal knowledge of the facts set forth in this Declaration and, if called to testify as a witness, I could and would testify competently thereto.

2. On June 24, 2019, the Copyright Royalty Board (“CRB”) entered a protective order that limits the disclosure of “confidential information” to outside counsel of record and their staff, personnel supplied by any independent contractor with whom such attorneys work, and any outside independent consultant or expert who is assisting a participant to this proceeding (“Protective Order”). *See* Dkt. No. 4012. The participants agreed that in this proceeding, “confidential information” protectable under the Protective Order (hereinafter referred to as

¹ The “Services” is defined to mean Sirius XM Radio Inc. (“Sirius XM”) and its wholly-owned subsidiary Pandora Media, LLC (together with its predecessor Pandora Media, Inc., “Pandora”), Google LLC, the National Association of Broadcasters, and the National Religious Broadcasters Noncommercial Music License Committee.

“Restricted materials”) “shall consist of commercial or financial information disclosed by any means (including, but not limited to, through documents, testimony, or argument), by a Participant (“Producing Participant”) to another Participant or other Participants, that the Producing Participant has reasonably determined in good faith would, if disclosed, either (1) result in a competitive disadvantage to the Producing Participant, (2) provide a competitive advantage to another Participant or entity, or (3) interfere with the ability of the Producing Participant to obtain like information from other Participants or entities in the future.” *Id.* § III. Prior to the production of Restricted materials, participants must (1) mark these materials “with a conspicuous label of ‘RESTRICTED – Subject to Protective Order in Docket No. 19-CRB-0005-WR (2021-25)’”; (2) mark these materials “with highlights or brackets”; and (3) “deliver with all Restricted materials an affidavit or declaration signed under penalty of perjury listing a description of all materials marked with the ‘Restricted’ stamp and the basis for the designation.” *Id.* § IV.A.

3. I have reviewed the Services’ Reply and determined to the best of my knowledge, information, and belief that portions of the document contain non-public Restricted material protected under the Protective Order. Portions of the Services’ Reply are protected under the Protective Order because they contain commercially sensitive information that is not publicly available and that, if disclosed, would competitively disadvantage participants in this proceeding, provide a competitive advantage to another participant or entity, or interfere with the ability of participants to obtain like information from other participants or entities in the future. Restricted material is highlighted in gray in the restricted copy of the Services’ Reply.

4. I declare in good faith, and to the best of my knowledge, that all information designated as restricted meets the definition of “confidential information” as set forth in the Protective Order.

Dated: October 29, 2020
New York NY

/s/ Reed Collins

Reed Collins (N.Y. Bar No. 4628152)

WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Tel: (212) 310-8000
Fax: (212) 310-8007
Reed.Collins@weil.com

*Counsel for Sirius XM Radio Inc. and
Pandora Media, LLC*

Proof of Delivery

I hereby certify that on Thursday, October 29, 2020, I provided a true and correct copy of the Declaration of Reed Collins in Support of Designation of Certain Materials as "Restricted) to the following:

Jagjaguwar Inc., represented by David A. Handzo, served via ESERVICE at dhandzo@jenner.com

Educational Media Foundation, represented by David Oxenford, served via ESERVICE at doxenford@wbklaw.com

SoundExchange, Inc., represented by David A. Handzo, served via ESERVICE at dhandzo@jenner.com

American Association of Independent Music ("A2IM"), The, represented by David A. Handzo, served via ESERVICE at dhandzo@jenner.com

Warner Music Group Corp., represented by David A. Handzo, served via ESERVICE at dhandzo@jenner.com

American Federation of Musicians of the United States and Canada, The, represented by David A. Handzo, served via ESERVICE at dhandzo@jenner.com

SAG-AFTRA, represented by David A. Handzo, served via ESERVICE at dhandzo@jenner.com

Sony Music Entertainment, represented by David A. Handzo, served via ESERVICE at dhandzo@jenner.com

UMG Recordings, Inc., represented by David A. Handzo, served via ESERVICE at dhandzo@jenner.com

Signed: /s/ Todd Larson